

MICHAEL EUGENE HUNT, )  
)  
Plaintiff, )  
)  
v. ) 1:15CV202  
)  
FRANK PERRY, et al., )  
)  
Defendant(s). )

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on March 24, 2015, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 6.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination. The court adopts the Magistrate Judge's recommendation.<sup>1</sup>

Plaintiff also moved for appointment of counsel (Doc. 3), which the Magistrate Judge denied on May 15, 2015. Plaintiff has now filed a motion for reconsideration, which is presently before this court. (Doc. 7.) In light of this court's dismissal of the

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complaint without prejudice, the motion for reconsideration is likewise denied. Plaintiff has not demonstrated exceptional circumstances.

IT IS THEREFORE ORDERED (1) that Plaintiff's motion for reconsideration (Doc. 7) be DENIED; and (2) that Plaintiff's objection to the Magistrate Judge's Recommendation (Doc. 6) be OVERRULED. This action shall be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, with a proper *in forma pauperis* application, correcting the defects cited in the Magistrate's Order and Recommendation. The Clerk of Court is directed to send Plaintiff the proper § 1983 forms, their instructions, and an application to proceed *in forma pauperis*, as well as a copy of Rule 8 of the Federal Rules of Civil Procedure.

A judgment dismissing this action will be entered contemporaneously with this Order.

      /s/      Thomas D. Schroeder  
United States District Judge

May 29, 2015